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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/627,139

07/25/2003

Sharon K. Ernst

WH106 P-302

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06/29/2004

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EXAMINER

COHEN, AMY R

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,139

Applicant(s)

ERNST ET AL.

Examiner

Amy R Cohen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/25/03, 8/25/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 6, 8-10, 12-14, 16, 17, 19-21, 23-25, 27, 28, 30-32, 34-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Becker (U. S. Patent No. 4,172,331).

Becker teaches a sign system assembly comprising: a frame (14) having a face (12); a template (66) adapted to fit against the face in an accurate position thereon, the template having an opening (68) therethrough and a scale thereon (Fig. 5A, scale is the spacing of openings 68); at least one alphanumeric locator (70) configured to fit within the opening of the template and be properly located in position by aligning a portion of the at least one alphanumeric locator with the scale of the template (Fig. 5A), the at least one alphanumeric locator having an aperture (74) therethrough; and an alphanumeric symbol (84) for each alphanumeric locator, each alphanumeric symbol having an adhesive backing (84, Col 6, lines 28-50); wherein each aperture has a perimeter corresponding to a periphery of at least one alphanumeric symbol (Fig. 5A); and wherein the alphanumeric symbol can be accurately positioned on the face of the frame by inserting the alphanumeric symbol through the aperture having the corresponding perimeter and adhering the alphanumeric symbol to the face of the frame (Col 6, lines 28-50).

Becker teaches the sign assembly the frame includes a ridge extending from the face of the frame (Fig. 3B); and the template is adapted to abut against the ridge to be fixed in position on the face of the frame (Figs. 3B and 5A-D).

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Becker teaches the sign system assembly, wherein: the ridge defines a closed border (Figs. 1-5).

Becker teaches the sign assembly wherein: the opening in the template includes at least two parallel sides (Fig. 5A).

Becker teaches the sign assembly wherein: the scale is located adjacent two opposite sides of the at least two parallel sides (Fig. 5A).

Becker teaches the sign assembly wherein: the at least one alphanumeric locator includes at least two parallel edges, the at least two parallel edges of the at least one alphanumeric locator having an edge distance therebetween approximately equal to a side distance between the two opposite sides of the opening in the template, whereby the at least one alphanumeric locator can be easily and accurately placed into position within the opening in the template (Fig. 5A and Col 6, lines 1-50).

Becker teaches the sign assembly wherein: the at least one alphanumeric locator comprises a plurality of alphanumeric locators (Col 2, lines 23-47).

Becker teaches the sign assembly including: a panel comprising an outer margin, the template and a guide (Figs. 4 and 5A); wherein the template is removably connected to the outer margin and the guide is removably connected to the template (Figs. 4 and 5A Col 6, lines 1-50).

Becker teaches the sign assembly wherein: the alphanumeric symbol includes double sided tape on a rear side thereof defining the adhesive backing (Col 6, lines 28-50).

Becker teaches a method of accurately making a sign comprising: providing a frame having a face; providing a template with a scale thereon; providing an opening through the template; placing the template in position against the face of the frame; providing at least one alphanumeric locator, the at least one alphanumeric locator having an aperture therethrough; locating the at least one alphanumeric locator within the opening of the template and aligning a

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portion of the at least one alphanumeric locator with the scale of the template to accurately position the at least one alphanumeric locator; providing an alphanumeric symbol for each alphanumeric locator, each alphanumeric symbol having a periphery corresponding to a perimeter of the aperture of one of the at least one alphanumeric locator; inserting the alphanumeric symbol through the aperture in one of the at least one alphanumeric locator; and connecting each alphanumeric symbol to the face of the frame (Col 1, line 43-Col 2, line 47, Col 3, line 43-Col 4, line 55, and Col 6, lines 1-50).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 18, and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Becker in view of Evans (U. S. Patent No. 2,387,986).

Becker discloses the sign assembly as described above in paragraph 2.

Becker does not disclose a sign assembly wherein the scale comprises a plurality of marks along each of the two opposite sides signifying a distance from a center point of the scale.

Evans discloses a sign assembly wherein the scale (2, 5) comprises a plurality of marks along each of the two opposite sides signifying a distance from a center point of the scale (Figs. 1 and 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sign assembly of Becker so that the scale would have a plurality of

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marks along the opposite sides, as taught by Evans, so that a user could more accurately space the desired alphanumeric locators from the center point of the template.

5. Claims 4, 11, 15, 22, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker in view of Stanley et al. (U. S. Patent No. 5,918,398).

Becker discloses the sign assembly as described above in paragraph 2.

Becker does not disclose a sign assembly wherein the ridge defines an oval interior space; and the template includes an oval boundary corresponding to the oval interior space defined by the ridge of the frame; wherein the panel includes first perforations defining a first interface between the outer margin and the template and second perforations defining a second interface between the template and the guide, the second perforations defining the opening in the template whereby the opening is formed by removing the guide.

Stanley et al. discloses a sign assembly wherein the ridge defines an oval interior space; and the template includes an oval boundary corresponding to the oval interior space defined by the ridge of the frame (Col 5, lines 30-43); wherein the panel includes first perforations defining a first interface between the outer margin and the template and second perforations defining a second interface between the template and the guide, the second perforations defining the opening in the template whereby the opening is formed by removing the guide (Figs. 3 and 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sign assembly of Becker to be shaped as an oval and to include perforations, as taught by Stanley et al., so that a use could further customize the lettering design and to define additional areas in which to have alphanumeric symbols (Stanley et al., Col 2, lines 25-52 and Col 5, lines 30-43).

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose templates or lettering guides Smith (U. S. Patent No. 6,524,412), Held (U. S. Patent No. 6,338,214), MacLeod (U. S. Patent No. 5,027,523), Charters, Jr. (U. S. Patent No. 4,972,598), Newton (U. S. Patent No. 4,443,949), Galajda (U. S. Patent No. 4,274,459), Prange (U. S. Patent No. 4,015,352), Leprone (U. S. Patent No. 3,690,013), and Serafin (U. S. Patent No. 2,970,043).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC
June 28, 2004



Diego Gutierrez
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